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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,006	01/23/2002	Cory L. Factor	32938.1	1220
32300 7590 02/26/2008 BRIGGS AND MORGAN P.A. 2200 IDS CENTER 80 SOUTH 8TH ST MINNEAPOLIS, MN 55402				
EXAMINER				
NGUYEN, PHUOC H				
ART UNIT		PAPER NUMBER		
2143				
MAIL DATE		DELIVERY MODE		
02/26/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/053,006

Applicant(s)

FACTOR, CORY L.

Examiner

Phuoc H. Nguyen

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on November 29, 2007. Previous office action contained claims 1-16. Applicant amended claim 8. Amendment filed on November 29, 2007 have been entered and made of record. Therefore, pending claims 1-16 are presented for further consideration and examination.

Response to Arguments

2. Applicant's arguments with respect to claims 1 and 8 have been considered but are moot in view of the new ground(s) of rejection.

Specification

3. The disclosure is objected to because of the following informalities: The applicant is advice to incorporate the term indicia into the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-16 are rejected under 35 U.S.C. 102(c) as being anticipated by Sull et al.

(Hereafter, Sull) Pub. No.: U.S. 2002/0069218.

Regarding claim 1, Sull discloses in Figures 18, 53, a method for providing content in at least one electronic format to a distributed network, method comprising: providing the content in the at least one electronic format to a computer, capturing the content as an electronic file on the computer (e.g. Figure 2; page 12 paragraph 0168); providing indicia in a separate electronic file for segmenting the electronic file into video segments in an electronic format to the computer (e.g. Figure 2; paragraphs 0172-0175); associating the identifying indicia with the electronic file (e.g. added the metafile to the video content as discloses in Figures 32-35); using the indicia to convert the file into video segments in a format suitable for distribution over the distributed network (e.g. Abstract; Figures 21 and 55; page 21 paragraph 0280; page 23 paragraphs 0300-0301); and providing the file and associated identifying indicia to a server accessible over the distributed network (e.g. Figures 56-57; page 23 paragraph 0302-0307).

Regarding claim 2, Sull further discloses the content comprises a live video feed (e.g. page 1 paragraph 0008 and page 13 paragraph 0176).

Re claim 3, Sull further discloses the identifying indicia comprises metadata including start and stop times and hypertext links (e.g. Figures 36-41).

Re claim 4, Sull further discloses the distributed is the internet and the identifying indicia comprises metadata including start and stop times and hypertext links (e.g. Figures 18 and 36-41).

Re claim 5, Sull further discloses the content includes a live video feed and at least additional content in at least one additional format from the group including text, audio, or graphic (e.g. Figure 3; page 13 paragraph 0176).

Re claim 6, Sull further discloses the distributed network is the internet and the identifying indicia comprises metadata including start and stop times and hypertext links (e.g. Figures 18 and 36-41).

Re claim 7, Sull further discloses the content is a television news broadcast and includes information in video format and at least additional content in at least one additional format from the group including text, audio, or graphics (e.g. Figure 3; page 13 paragraph 0176).

Re claim 8, it is a program claim of claim 1. Thus, claim 8 is also rejected under the same rationale as cited in the rejection of rejected claim 1.

Re claim 9, it is a program claim of claim 2. Thus, claim 9 is also rejected under the same rationale as cited in the rejection of rejected claim 2.

Re claim 10, it is a program claim of claim 3. Thus, claim 10 is also rejected under the same rationale as cited in the rejection of rejected claim 3.

Re claim 11, it is a program claim of claim 4. Thus, claim 11 is also rejected under the same rationale as cited in the rejection of rejected claim 4.

Re claim 12, it is a program claim of claim 5. Thus, claim 12 is also rejected under the same rationale as cited in the rejection of rejected claim 5.

Re claim 13, it is a program claim of claim 6. Thus, claim 13 is also rejected under the same rationale as cited in the rejection of rejected claim 6.

Re claim 14, it is a program claim of claim 6. Thus, claim 14 is also rejected under the same rationale as cited in the rejection of rejected claim 6.

Re claim 15, the distributed network is the internet (e.g. Figure 18).

Re claim 16, it is a program claim of claim 7. Thus, claim 16 is also rejected under the same rationale as cited in the rejection of rejected claim 7.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Holtz et al. U.S. Patent 6,760,916

Srinivasan et al. U.S. Pub. 2001/0023536

Sull et al. U.S. Pub. 2007/0033292

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 571-272-3919. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phuoc H Nguyen/
Primary Examiner, Art Unit 2143

February 19, 2008